

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARGUERITE CARRUBBA

PLAINTIFF

V.

CIVIL ACTION NO. 1:07CV1238

**HARRISON COUNTY, MISSISSIPPI BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE;
WAYNE PAYNE; DIANE GATSON RILEY;
STEVE CAMPBELL; RICK GATSON; RYAN TEEL;
KARLE STOLZE, WILLIAMS PRIEST, JAMES A.
GONDLES, JR. AMERICAN CORRECTIONAL
ASSOCIATION; JOHN AND JANE DOES 1-3;
HEALTH ASSURANCE LLC AND J. L. WHITE**

DEFENDANTS

STATE OF MISSISSIPPI

COUNTY OF HARRISON

**AFFIDAVIT OF WARDEN DONALD CABANA
HARRISON COUNTY SHERIFF'S OFFICE**

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in and for the County and State aforesaid, the within named, DONALD CABANA, who, after first being duly sworn by me on his oath, did depose and state the following:

1. My name is DONALD CABANA, and I am over the age of twenty-one (21) years. I am the Director of Corrections for the Harrison County Adult Detention Center and have held this position since August 18, 2006. I have personal knowledge of the matters and facts contained in this Affidavit and I am competent to testify to the matters stated herein.



2. As Director of Corrections for the Harrison County Sheriff's Office, I have first hand knowledge of the maintenance and/or storage of records of the Harrison County Sheriff's Office for the Adult Detention Center and what those records reflect, including inmate medical records, inmate court records, and policies of the Harrison County Sheriff's Office.
3. I have attached hereto as **Exhibit "1"** relevant portions of Plaintiff's inmate records. They are a true and correct copy of Plaintiff's inmate records contained in the files of the Harrison County Adult Detention Center, which are maintained in the regular course of the law enforcement function of the Sheriff of Harrison County and the Harrison County Adult Detention Center, and were generated in the regular course and pursuant to the regular activities of and duties imposed by law upon the office of the Harrison County Sheriff and made at or near the time of the matters set forth or from information transmitted by, a person with knowledge of those matters.
4. I have attached hereto as **Exhibit "2"** relevant portions of Plaintiff's medical records contained in the files of the Harrison County Adult Detention Center, which are maintained in the regular course of the law enforcement function of the Sheriff of Harrison County and the Harrison County Adult Detention Center, and were generated in the regular course and pursuant to the regular activities of and duties imposed by law upon the office of the Harrison County Sheriff and made at or near the time of the matters set forth or from information transmitted by, a person with knowledge of those matters.

I certify the above declaration is true and correct under penalty of perjury.

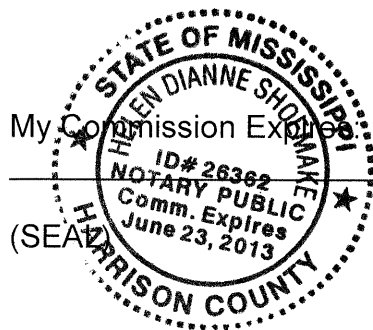


Affiant/Donald Cabana
Harrison County, Mississippi

Sworn to and subscribed before me on this the 12 day of November, 2009.



Notary Public



☐ JUVENILE INVOLVED

UNIFORM ARREST/BOOKING FORM

Case Number
06-019768

BILOXI ☐ GULFPORT ☒ LONG BEACH ☐ PASS CHRISTIAN ☐
 D'IBERVILLE ☐ HARRISON COUNTY ☐ OTHER ☐

Full Name of Person Arrested (Last, First, Middle)

Alias, Maiden, or Nickname

Carrubba, Marguerite Ann

Address of Defendant

Street / House Number

City / State

1023 East Second St. Pass Christian MS 39571

Home Telephone Number

☐ None

(228) 669-4672

DL State

MS

DL Number

☐ None☐ Expired☐ Suspended

DL Type

☒ Operators☐ Commercial

DL Expiration Date

09/15/2007

Occupation and Employer

☒ Unemployed

Social Security Number

☒ Same as DL

428-29-1382

Age

44

Sex

F

Race

W

Height

503

Weight

140

Hair

blk

Eyes

bro

Scars, Birth Marks, Tattoos, Amputations

none

Date of Birth

Place of Birth (City & State)

Gulfport MS

Contact in Event of Emergency

Richard Carrubba

Relationship

Brother

Contact's Address

Street / House Number

City / State

1023 East Second St. Pass Christian MS

Home Telephone Number

(228) 452-4627

Business Telephone Number

(228) - NA

Date of Arrest

06/17/2006

Day of Arrest

S M Tu W Th Fr ☒ Sa

Time of Arrest

07:24

Location of Arrest

Cowin Rd/Magnolia St

1100 39507 A6

PLEA

COURT CLERK USE ONLY
Disposition

Charge / Offense

☐ Felony☐ Misdemeanor☒ Traffic

Date of Offense

06/17/2006

Court Date / Time

07/25/2006 09:00

Bond Amount

\$158.00

Running Red Light

Charge / Offense

☐ Felony☐ Misdemeanor☒ Traffic

Date of Offense

06/17/2006

Court Date / Time

07/25/2006 09:00

Bond Amount

\$750.00

DUI Refusal

Charge / Offense

☐ Felony☐ Misdemeanor☐ Traffic

Date of Offense

Court Date / Time

Bond Amount

Charge / Offense

☐ Felony☐ Misdemeanor☐ Traffic

Date of Offense

Court Date / Time

Bond Amount

Charge / Offense

☐ Felony☐ Misdemeanor☐ Traffic

Date of Offense

Court Date / Time

Bond Amount

CUSTODY

☐ Released - NO Charge☒ County Jail☐ Released - Summons☐ Juvenile Shelter☐ Pre-Trial Release☐ Juvenile Detention☐ Bond Company☐ Cash Bail Receipt #☐ Family Court☒ Municipal Court

Judicial 1st 2nd

Justice

Circuit

Chancery

Check All Items That Apply

☒ Drinking☐ Cooperative☒ Drunk☐ Resistive☐ Drugs☐ Belligerent

Bond Authorized By

Judge

HCSO

Municipal Court

Total Bond

\$908.00

Arresting Officer (ID # and Name)

4776 RONALD A. ROE JR.

Assisting Officer(s) (ID # and Name)

6962 J. McConnell

Transporting Officer (ID # and Name)

4776 RONALD A. ROE JR.

How was Arrest Made?

☐ On View☒ On Call☐ Warrant

Other Persons Arrested for Same Offense

☒ None

Judge

Date of Warrant

1.

2.

Officer Fingerprinting & Photographing

Property Seized?

☐ Yes ☒ No

Telephone Call

☐ Yes ☐ No☐ Refused

Detective Notified

☐ Yes ☒ No

Individual Armed

☐ Yes☒ No

Vehicle Towed?

☒ Yes ☐ No

Hold Placed On Vehicle?

☐ Yes ☒ No

Supervisor Notified

☐ Yes ☒ No

Weapon:

By

Cotton's

Authorized By

Name:

Defendants Rights Given By

Date

Time

Place

Witness(es)

A. Roe

06/17/2006 07:55

GPD

J. McConnell

☒ Verbal☐ Form

Detention Date/Time

Officer (# & Name)

Property

N/A

Phone Call Made

☐ Yes ☐ No

Called:

Court Clerk Use Only

Docket #:

287022

Facility

Adult Detention ☒Juvenile Detention ☐Shelter ☐

Cell

N/A

Fingerprints

Yes ☐ No ☐

Mug Shot Taken

Yes ☐ No ☐

Release Date/Time

Officer (# & Name)

Release Status (Bond/or Time Served, Etc.)

Sheriff's Receipt #

A 6/17/06

17/12

cash Bond

16977

NCIC

☐ Negative☐ Hit

NCIC #:

Charges

Agency

DOC

☐ Negative☐ Hit☐ Probation☐ Parole

County

Offense

Case Supervisor

Old Fines

☐ Negative☐ Hit

Amount

Total Days Given

Docket Number

Case Number

Juvenile-Parent or Guardian Name

Address

Street / House Number

City / State

Telephone #

Contacted By

What Prompted Arrest

EXHIBIT

tabbies

"1"

01 01

ite - Original/Records Pink - Clerk Yellow - Detectives White Copy - Patrol Gold - Jail

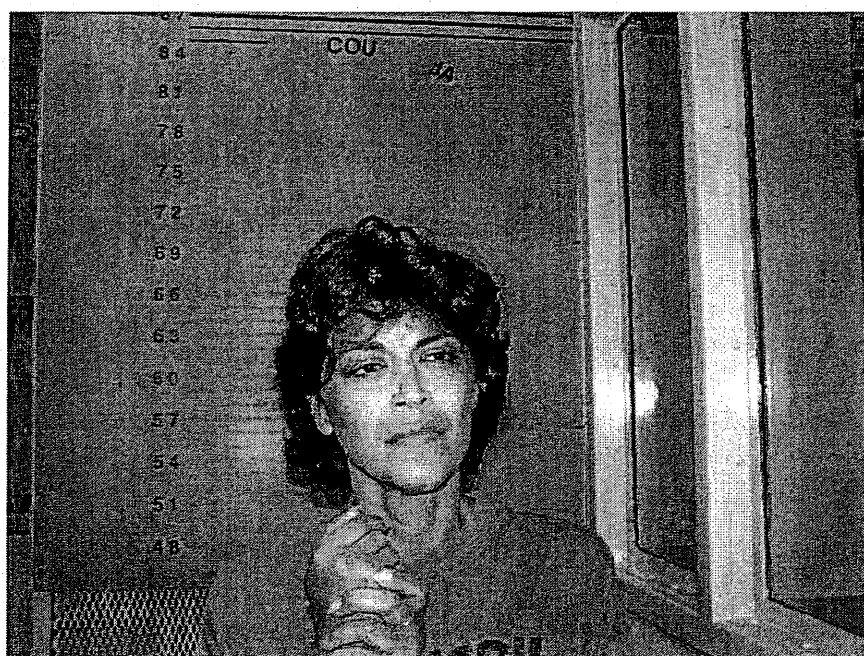
iform Arrest / Booking Form

Gulfport Police Department / 009 / Revised April 2002

BOOKING REPORT

HARRISON COUNTY SHERIFF

CARRUBBA,MARGUERITE A



Agency ID: CJ000287022

Race: W

Date of Birth: [REDACTED]

Sex: F

Place of Birth: BILOXI,MS

Weight: 122

Social Security: [REDACTED]

Height: 504

Occupation:

Hair: BLK

Alias:

Eye: BRO

(1) Page 2 (13) Charges (14) History (15) Property (16) Medical
(17) Scheduling (18) Accounting (19) View Photo (20) Line-up (24) Exit

Docket: CJ 287022 Arrest Date 6 - 17 - 2006 Time 9 : 21 Ofcr 251
Release Date 6 - 17 - 2006 Time 20 : 43 Ofcr 171

Rel Code CB CASH BOND Bond Co
Bond Amt 908.00 Receipt Number 16977 Name CARRUBBA, MARGUERITE

=====

Name	CARRUBBA, MARGUERITE A	Alias	
Address	1033 E. 2ND ST	Occ:	
City	PAS CHRISTIAN	ST MS	ZIP 39571
Race: W	Sex: F	Height 5 4	Weight 122
SSN: [REDACTED]	Driver License Num:	Hair BLK	Eyes BRO
DOB: [REDACTED]	Age 44	Birth City: BILOXI	DL State:
File Number 92713	FBI Number	DOC Number	Birth State: MS
SMT:			
SMT:			

=====

Cell CJ DCDAYR D C DAY ROOM BSC Code G GULFPORT

Photograph Y (Y/N) Fingerprints N (Y/N) Phone Call Y (Y/N)

(en) or (24) Exit

Docket: CJ 287022 Arrest Date 6 - 17 - 2006 Time 9 : 21 Ofcr 251
Release Date 6 - 17 - 2006 Time 20 : 43 Ofcr 171

=====

Name	CARRUBBA, MARGUERITE A	Alias	
Address	1033 E. 2ND ST	Occ:	
City	PAS CHRISTIAN ST MS	ZIP	39571
		Phone	(228) 669 - 4672

=====

Tracking Codes

----- Emergency Contact -----

Name	_____	Relation	_____
Address	_____	Hm Phone (_____)	_____ - _____
City	_____ ST _____ Zip _____	Wk Phone (_____)	_____ - _____

Harrison County Adult Detention Center

George Payne, Sheriff
Use of Force Report

1) Date: <u>6/17/06</u>	2) Time: <u>11:20 AM</u>	3) Location: <u>Booking</u>	4) Incident Number:
5) Inmate's Name: <u>Carubba, Marguerite</u>		6) Date of Birth:	7) Sex: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
8) Docket Number: <u>287022</u>	9) Block:	10) Section:	11) Cell:
12) Reason for use of Force: <input type="checkbox"/> Necessary to defend another officer <input type="checkbox"/> Necessary to defend another inmate <input checked="" type="checkbox"/> To prevent violent behavior <input type="checkbox"/> To restrain for inmate's safety <input type="checkbox"/> Other:			
13) Was inmate injured? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	14) Transported? <input type="checkbox"/> yes <input checked="" type="checkbox"/> No	15) Destination:	16) Screened by medical? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
17) # of inmates that resisted:	18) # of officers present:	19) Supervisor notified / time:	20) Notified supervisor's signature:
21) At the time of the incident, the inmate was: <input checked="" type="checkbox"/> Hostile Behavior <input checked="" type="checkbox"/> Suspected under the influence of alcohol / drugs <input type="checkbox"/> Mentally impaired <input type="checkbox"/> Other:			
22) Describe the inmate's injuries:			
23) Levels of resistance: <input type="checkbox"/> Psychological Intimidation: Explain: _____ <small>(non-verbal cues indicating inmate's attitude or physical readiness)</small> <input checked="" type="checkbox"/> Verbal-Non Compliance: Explain: <u>Refusal to comply</u> <small>(verbal responses or threats of non-compliance to officer's directions)</small> <input type="checkbox"/> Passive Resistance: Explain: _____ <small>(dead weight or clinging to objects in an attempt to prevent the officer from gaining control)</small> <input type="checkbox"/> Defensive Resistance: Explain: _____ <small>(pushing, pulling, or running away from the officer to avoid control; never attempting to harm the officer)</small> <input type="checkbox"/> Active Aggression: Explain: _____ <small>(physical actions of assault)</small> <input type="checkbox"/> Aggravated Active Aggression: Explain: _____ <small>(assaults with a weapon)</small>			
24) Levels of Control: (Officer Presence is Implied) <input checked="" type="checkbox"/> Verbal Direction: Explain: <u>loud clear verbal commands</u> <small>(commands of direction)</small> <input checked="" type="checkbox"/> Empty Hand Control (<input checked="" type="checkbox"/> Soft <input type="checkbox"/> Hard): Explain: <u>Attempting to hold inmate against wall</u> <input checked="" type="checkbox"/> physical touch <input checked="" type="checkbox"/> joint locks <input type="checkbox"/> pressure points <input type="checkbox"/> hand strikes <input type="checkbox"/> leg strikes Body Part: <u>arm, right</u> Body Part: _____ <input type="checkbox"/> Intermediate Weapons: (Chemical etc.): _____ <input type="checkbox"/> Impact Weapons: (primary or alternative): _____ <input type="checkbox"/> Lethal Force: specify: (Firearms or other lethal force employed): _____			
25) Reporting Officer No. <u>310</u> Name: <u>Priest</u>	Division <u>Booking</u>	Reviewing supervisor: No. _____ Name: _____	Disposition Date: _____ Page: _____ of _____

HARRISON COUNTY SHERIFF'S DEPARTMENT

GEORGE PAYNE, SHERIFF

<input type="checkbox"/> Juvenile Involved	Harrison County Sheriff's Office NARRATIVE FORM		Case #
<input checked="" type="checkbox"/> Original Report	Incident/Crime:	Date of This Report	Date of Original Report
<input type="checkbox"/> Offense Supplement	Informational	06/1706	06/17/06
<input type="checkbox"/> Custody Supplement	Suspect / Victim Name:		List Complaint Numbers of Connected Cases
<input type="checkbox"/> RVR Supplement	Booking:		

On Saturday, June 17th 2006 at approximately 1050 hours, inmate Marquerite Carruba, #287022, became disruptive while in holding cell 8. Carruba refused multiple instructions to calm down and to stop hitting the glass. As a result of her actions, Deputies Priest and Stolze attempted to place Carruba in restraints. Carruba refused commands to turn around and place her hands behind her back, at which time Deputy Priest used an arm lock in order to place Carruba against the wall to secure the restraints. Carruba was secured in holding cell seven in restraints. Several minutes later, Deputy Priest observed Carruba walking around the holding cell, apparently free of the restraints. Deputy Priest re entered holding cell seven in order to secure the restraints on Carruba. Carruba refused verbal commands to stand up and place her hands behind her back, at which time Deputy Priest applied an arm bar and too Carruba down to the floor in a controlled manner. Deputy Priest secured the restraints behind Carruba and secured them to the bench in the cell. Medical was contacted and responded to evaluate Carruba.

1120: Inmate yelling and banging on the bench.

1145: Inmate banging shackles on floor.

1230: Inmate removed from restraints.

No further action taken. End of narrative.

DISPOSITION

- A. Cleared Adult Arrest ☐
 B. Cleared Exceptional Adult ☐
 C. Cleared Juvenile Custody ☐
 D. Cleared Exceptional Juvenile ☐
 E. Unfounded ☐
 F. Other-Cleared Exceptional ☐
 G. Suspended Closed ☐

Reporting Officer: No: 310 Name: Priest	Division: HCADC-Booking	Reviewing Supervisor No: Name:	Disposition Date
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HEALTH ASSURANCE LLC

NURSES NOTES

[illegible]

NURSE NOTES

